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# Quid Novi

Vol. XI, No.23

McGILL UNIVERSITY FACULTY OF LAW  
UNIVERSITE MCGILL FACULTE DE DROIT

March 25, 1991  
le 25 mars 1991

## Skit Night Raises \$12,000 for Charities

by Michael Wilhelmson, LL.B. III

[Author's note: Quotes are based on vague recollection of events and are not meant to be official]

The Lord announces to his toiling peasant that tenures have been abolished. Though the peasant is momentarily intrigued, the Lord adds curtly: "What you used to owe to me, you now owe to him," pointing to a person next to him. "Carry on."

A mysterious salesman in a trenchcoat stops a judge on the street. He tells his Lordship that he has Denning judge-

ments, he has Wilson judgments, you name it. But the judge is singularly unimpressed, and is about to head on his way when the salesman brings out his most popular judgement of all. It reads: "I concur with my Learned friends." It's a deal!

A "fictitious" professor is irked by his students' tardiness for his course on love-making. "Since you were late, I had to start without you."

This is a sample of some of the pent-up law humour that tends to explode in the Faculty's annual Skit Nite. The evening of humour, music and satire was held at

the Union Ballroom last Wednesday night. Unfortunately, a Thursday night booking was not possible this year.

But on the up side, the high quality production raised \$6,000 each for the Old Brewery Mission and Chez Doris (both shelters for the homeless).

Skit Night was directed this year by Jim O'Brien, who also served as carpenter, artistic director, stage technician, actor, singer, and rumour has it, candlestick maker. His efforts produced what was by far the most professional skit night in law-memory (three or four dog years).

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## U.N. and Human Rights: *A Loving Critic's View*

by Nan Wang, LLB I

It was an invaluable experience to hear Professor Ronald Macdonald's lecture on the U.N. Decade for International Law. In praising the lecture, Professor Brierley in his closing speech wondered if we should call the distinguished speaker «Professor Judge Macdonald» or «Judge Professor Macdonald.» With full respect, I would venture to choose the second appellation, because his lecture more closely resembled one delivered

from the podium of the U.N. General Assembly.

Curiously, human rights was not an important subject in the Third John P. Humphrey Lectureship in Human Rights. In fact, Professor Macdonald made no mention of the issue until the very end of his lecture, which was predominantly delivered in a typical United Nations discourse, a discourse which some U.N. specialists describe as de-

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# ANNOUNCEMENTS ANNONCES

**IMPORTANT REMINDER TO ALL APPLICANTS FOR GROUP ASSISTANT POSITIONS** - There is only one umbrella course for all group assistants (496-048 Group Assistants for 2 credits), whether they work in Foundations, Constitutional Law or Criminal Law. Students can therefore receive academic credit only once for group assistant work, irrespective of the subject-matter. The Legal Methodology Tutorial Programme, however, comes under a different course (496-016D Legal Methodology Teaching Group for 3 credits) and can be cumulated with a Group Assistant course.

**DROIT CONSTITUTIONNEL** - Le professeur de Mestral recherche quatre étudiants intéressés à diriger des séminaires en droit constitutionnel (03) au premier trimestre, et quatre au deuxième trimestre - de préférence des étudiants en 3e et 4e années. Une même personne ne peut se présenter pour les deux trimestres. Prière de s'adresser au professeur de Mestral en déposant un court CV au SAO. Pour plus de renseignements, téléphoner au 398-6643.

**RESEARCH ASSISTANT POSITIONS:** Professors Brierly and Macdonald would like to engage two (2) research assistants this summer for a four month period (approximately May 1 - Sept. 1) in order to assist in the editing of a monograph provisionally entitled "Quebec Civil Law". The duties of the research assistant will be to act as editorial assistants, to help locate bibliographic materials relating to various chapters of the Civil Code of Lower Canada, and to assist the authors in the integration of several submissions by other authors on a variety of topics covered by the Code. We are looking for upper-year students who have a good knowledge of the Civil Law and an interest in the history and development of Quebec private law.

The successful candidates must be able to read French materials and to write English well. They should also be able to use Word-Perfect 5.0 or 5.1 on an IBM-compatible personal computer. The salary offered will be competitive with Faculty norms for research assistants. Students interested in this position may apply by leaving a curriculum vitae and covering note with Professor Brierly before March 15, 1991. We expect to have made a decision before the beginning of April.

**CRIMINAL LAW I TUTORIAL PROGRAMME** - A tutorial programme will be offered in all sections of Criminal Law I in the next academic year (1991-1992). Nous sommes à la recherche d'étudiant(e)s désireux(es) d'agir en tant qu'auxiliaires. Les étudiant(e)s de troisièmes et quatrième année ayant un intérêt marqué pour le

sujet devraient déposer des demandes auprès du S.A.O. d'ici le 1er avril 1991. Tutors will enroll in a course (496-048B Group Assistants) and two academic credits will be awarded for satisfactory performance. We are making this announcement now to assist students who are planning their next academic year.

**FOUNDATIONS TUTORIAL LEADERS - FALL 1991** - Applications from 3rd and 4th year students interested in leading Foundations tutorial groups this Fall are now being received. Duties include: (1) leading regularly scheduled tutorial sessions; (2) assisting students during the preparation of their essays; and (3) assisting the course instructors with the grading of the essays. Applicants must be available for weekly meetings with the course instructor to discuss the tutorial materials and their relationship to material covered in the lectures. These meetings will probably be held at 4:00 p.m. Thursdays. Tutorial leaders will meet weekly with their groups at a mutually convenient time. Tutorial leaders will receive 2 credits. Interested students should submit a curriculum vitae, along with a brief letter explaining why they would like to be tutorial leaders, to SAO. Inquiries should be directed to Prof. Harvison Young at 398-6636. **APPLICATIONS MUST BE RECEIVED NO LATER THAN TUESDAY, APRIL 2.**

**ATTENTION LES FINISSANTS/ ATTENTION GRADUATING STUDENTS** - The absolute, final and firm deadline for submission of grad statements (i.e. the «blurb» next to your photo in the yearbook) is Friday, March 29th, 1991. Write (legibly - or else type) your name, programme (National, BCL or LLB) and message (max.: 85 words) on a piece of paper and drop it off in the Res Ipsa Loquitur mailbox in the LSA office. C'mon... It's for posterity!

**GRADUATION BALL TICKETS** - Get'em while they last! See Arnold Cohen, Dagmar Dlab, Rick Kuzyk, Vincent Lesage, Joanne Fox, Marvin Shahin or Bram Freedman. \$50 per person.

**WOMEN & THE LAW** - Women & the Law present the last of the Women & Spirituality film series: «Behind the Veil: Nuns - Part II», Thursday, March 28th at 4:00 p.m. in the Student Lounge (next to Sadie's).

**EXAMINATION NUMBERS** - Please pick up your Term II exam numbers ASAP and avoid the last minute frenzy!

**GRADUATING STUDENTS** - Please check the

lists posted in the SAO and inform the personnel of any corrections.

**LSA/AED AWARDS** - Every year, the LSA/AED gives out several Sports and Participation Awards. See the board outside of the office for details and nomination forms. Nominate as many people as you like. The winners are selected by a Committee composed of the Sports Coordinator, the Social Coordinator and the Class Presidents. Nominate early and nominate often!

**JOB OPPORTUNITY** - The McGill Legal Information Clinic is looking for a researcher for a month term, starting May 6th. If interested, contact Lucie Poirier (344-4764) or Don Palayew (937-2200).

**McGILL LEGAL INFORMATION CLINIC** - Summer volunteers are needed! The Clinic would like to have some law students helping out for a few hours a week during the summer to provide legal information to clients. 1st-year students are welcome to apply and will be provided training. If interested, contact Lucie Poirier (344-4764). Also, on Wednesday, March 27th at 1:00 p.m. in room 202, there will be held an information meeting for all students interested in doing the Legal Clinic Course for Credit next year (1991-92). Come and find out about the different clinical placements available!

**LA FEMME ET LE DROIT** - Le mercredi 27 mars se tiendra, de 12h00 à 14h00 dans la salle 202, une Table ronde sur l'abus sexuel des enfants. Les personnes invitées seront les suivantes: Dr. Nancy Haley (médecin à l'Hôpital Ste-Justine de Montréal), Mme Margaret-Ann Smith (travailleuse sociale à l'Hôpital de Montréal pour enfants) et Me. Jean Gauthier (avocat à l'aide juridique, division jeunesse, St-Jérôme).

**SOCIÉTÉ DE DROIT INTERNATIONAL** - Les élections de l'exécutif de la Société de Droit International (S.D.I.) auront lieu mercredi le 27 mars à 13h00 dans la salle 203. Récemment, la S.D.I. a organisé une conférence qui portait sur la réunification allemande. If you are interested in organising events such as these and in ensuring that speakers come to the Faculty to discuss matters of international importance, or if you just have a general interest in international law/relations, come to the meeting, run for a position and make a difference! Les poste disponibles pour l'année 1991-92 sont: président(e), secrétaire, trésorier(e).

**TOMAS MORE DISCUSSION GROUP** - The Tomas More Discussion Group is made up of a number of law students and professors interested in



thinking about spiritual values. Our last meeting for this academic year will be on Tuesday, March 26th at 12:00 in room 203. The readings are now available in our box at the LSA office. Everyone is welcome. For more information, call Jon Quaglia (BCL III) at 769-2120.

#### ATTENTION! ATTENTION!

Il ne reste qu'environ vingt (20) copies de Res Ipsa Loquitur (1990-91) disponibles! Contactez vite votre président de classe ou un membre du comité de l'Album. Le coût est de \$10 si vous venez le chercher en septembre, et de \$12 si on doit vous le faire parvenir par la poste. Les chèques faits à l'ordre de l'AED sont acceptés, donc n'hésitez pas! Il n'y aura pas de copies disponibles à l'automne! Merci de votre appui, Michael Kleinman, Rédacteur-en-chef. (P.S. Cette offre vaut aussi évidemment pour les professeurs!).

**PRIZES AND SCHOLARSHIPS COMMITTEE** - Every year in early May the Prizes and Scholarship Committee meets to determine the eligibility of students for the Faculty's many awards and to decide upon recommendations as to the recipients of awards to Faculty Council. Generally, the Committee relies on computer printouts of marks in the courses that are relevant for a particular award. This method is not entirely satisfactory for several reasons: (1) some awards require that the recipient, in addition to performing well in a group of courses, exhibit some desirable character trait such as participating in extra-curricular activities, showing an interest in public advocacy, etc...; (2) some awards are intended to reward important non-academic achievements; (3) students who have written term essays on the subject matter designated by an award would not show up on the computer printout of the relevant courses; (4) there are several awards for students who have shown improvement or progress in their law studies; and (5) there is an award for anglophone or allophone students showing proficiency in French. Therefore, to help the Committee in the selection process, would all interested students please complete the form (available at the SAO) and return it to the Student Affairs Office by the end of the examination period.

**FORUM NATIONAL** - On Wednesday, March 27th at 12:00 in the Moot Court, Mme Thérèse Paquet-Sévigny, Under-Secretary for Information of the United Nations, will give a talk on the topic of: «The Changing Role of the UN in the Light of Recent Political Developments».

#### RESEARCH ASSISTANT POSITIONS AVAILABLE:

Prof. Macdonald would like to engage two (2) research assistants this summer for a four-month period (approx.: May 1-Sept. 1) to assist with various projects.

#### Position #1:

1. This project involves preparing the volume of the new Civil Law Treatise on the law of Real Security and Secured Transactions. This is a three-year project, so that the student who works this summer will have the opportunity to continue doing so on a part-time basis next academic year and again next summer, should he or she so wish.
2. The duties of the research assistant will be to help locate bibliographic materials relating to various chapters of the proposed monograph - including cases, legislation, and especially articles and texts. The research student will also assist in the verification and editing of various drafts of the text.
3. I am looking for an upper-year student who has a good knowledge of the Civil Law and who is interested in commercial law. It is not necessary that the student have already taken a course in either «commercial transactions» (LLB) or «security on property» (BCL).
4. The student must be able to locate relevant European civil law sources, to read French-language materials and to write English well. The student should also be able to use Word-Perfect 5.0 or 5.1 on an IBM-compatible personal computer.
5. The salary offered will be competitive with Faculty norms for research assistants.

#### Position #2:

1. This position will involve at least two projects. First, a revision of certain sections of the Foundations casebook (3-4 weeks work); and second, a «law and society» project involving an empirical investigation of the operation of the Small Claims Court of Québec. The latter is also the preliminary to a three-year project so that the student selected will have an opportunity to continue to work on the project on a part-time basis during the next academic year and next summer, should he or she so choose.
  2. At this stage of the project, the duties of the student will be to assist in locating bibliographic materials and to assign in the design of a research instrument (questionnaire, etc...).
  3. I am looking for a student in any year who has an interest in «law and society» issues and who is also interested in empirical research. It is not necessary that the student have previously done such empirical work, although that would be an asset.
  4. The student should be able to read French and English language materials, and should be able to use Word-Perfect 5.0 or 5.1 on an IBM-compatible personal computer.
  5. The salary offered will be competitive with Faculty norms for research assistants.
- Students interested in either of these positions may

apply by leaving a curriculum vitae and covering note with Prof. Macdonald before March 28th, 1991. I expect to have made a decision by April 5th.

**SUMMER JOBS FOR THE MCGILL LAW JOURNAL CITE GUIDE** - The third edition of the Canadian Guide to Uniform Legal Citation (Cite guide) is scheduled for publication in the fall of 1992. In preparation, the McGill Law Journal is completing research on the cite guide over the course of the next eight months. Two full-time research positions will be available this summer (May-August 1991):

#### Position I: Researcher.

**Start Date:** 13 May 1990 (flexible)

**Salary:** \$8-9/hour, 37 1/2 hours per week

This person will be primarily responsible for:

1. Corresponding with legal writing programs, journals, reporters, courts and others to encourage their official adoption and use of the Guide.
2. Conducting research for an expanded guide, including the following: (i) updating Revised Statutes of Canada; (ii) including decisions of Government Tribunals, i.e. Competition Tribunal, Energy Board...; (iii) developing computer database materials, microfiche, microfilm; (iv) expanding government documents; (v) updating provincial and federal regulations; (vi) conducting Commonwealth and Francophonie citations; (vii) general reorganization and fine tuning of the guide.

#### Position II: Researcher

**Start Date:** 13 May 1990 (flexible)

**Salary:** \$8-9/hour, 37 1/2 hours per week

Tasks for this employee will include research, particularly into the following areas of international citation: (i) United Nations documentation - completing work done last summer; (ii) other international organizations such as the E.C., the O.E.C.D. and the O.A.S.; (iii) international tribunals such as G.A.T.T. and other multilateral and bilateral tribunals; (iv) less developed countries in both common law jurisdictions and civil law jurisdictions; (v) non-governmental organisations, including Amnesty International and Greenpeace; (vi) non-North American Reporters and Periodicals.

Qualifications for both positions include: (i) strong research skills; (ii) knowledge of legal research and citation; (iii) proficiency in French and English, both written and oral; (iv) computer literacy. Preference will be given to candidates with an interest in working on the McGill Law Journal in subsequent academic years.

Letters of interest and curriculum vitae should be forwarded to Julia Hanigsberg, Editor-in-Chief of the McGill Law Journal, by 5 p.m. on Thursday, March 28th. They can be submitted directly to the Law Journal Office of handed in at SAO. Inter-

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*Quid Novi* is published weekly by students at the Faculty of Law of McGill University, 3644 Peel Street, Montreal, H3A 1W9. Production is made possible by support of the Dean's office and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

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*Quid Novi* est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel, Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur où son origine.

# Competitive Mooting at McGill

As this year's mooting season draws to a close, it is time to report on the record of this year's teams.

## 1. Laskin Memorial Moot

The 1991 Laskin was held in scenic Vancouver on March 7-9. McGill was represented among the 20 competing law schools by Brian Daley (LLB II), Sean Gaudet (LLB III), Andrew Lister (LLB III) and Michelle Marsellus (LLB III). The Laskin moot deals with contemporary issues in administrative and constitutional law. This year's moot dealt with the ramifications of Ms. Diane Flynn's continuing imprisonment at the infamous Prison for Women. Unfortunately for both Ms. Flynn and this year's team, the University of Toronto, representing the government, won out over Ms. Flynn's able counsel (us!) in the final round held before such distinguished judges as the Hon. Mark MacGuigan of the Federal Court of Appeal. Nevertheless, the team finished in second place overall and was awarded the prize for second best factum. In the six years of the existence of the Laskin Moot, McGill has finished first once and second three times, not to mention various factum and pleading prizes.

The team wishes to recognize the special efforts of Professor David Stevens who acted as coach as well as all those students and professors who served as judges during our many practices. Thanks also to those who helped in the drafting of the factums (particularly the French section!). The experience was a rewarding one and we encourage others to participate in next year's competition to be held in fun Fredericton!

## 2. Phillip C. Jessup Memorial Moot

A dispute over the trade of electromobiles (the Nicchian version of electromobiles) between Mercuria, the wealthy industrialized advocate of liberal trade (modelled on USA), and Nicchia, the newly industrialized upstart struggling to break the chains of poverty (ya right Trish and JP! in reality a combination of Korea/Japan), formed the subject matter of the 1991 Jessup Competition. The Jessup is an international moot, in both substance and participation. Eighty-four alleged world trade experts (21 teams) participated in the Canadian round which took place in the friendly confines of Moncton, New Brunswick. Mercuria secured the high priced expertise of Michael Morris (LLB III) and Lisa Yarmoshuk (LLB II), while Nicchia was the beneficiary of the *pro bono* efforts of Patricia Armstrong (Nat'l. IV) and Jean-Paul Poitras (LLB III). While we are not on our way to the International round in Washington, DC (that privilege went to the University of Saskatchewan and U. of T.), fond memories, new friendships, and the prize for the 3rd best memorial were the results of the few intense months we spent terrorizing the sixth floor of the library.

The Jessup team sends a special thank-you to Profs. Vlasic, Toope, de Mestral and Janda for their help with our memorial and pleadings; to the library staff for their help and patience; and to all those who served as judges during our many pleading practices. The Jessup provides an excellent opportunity to expand your knowledge of, and to experience the realities of, international law. We encourage  
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### Skit Nite... Cont'd from p.1

Other key contributors were Seth Dalfen, Musical Director and overall Chairperson, Suzie Costom in charge of fundraising and Julie Godin handling refreshments.

The skits revolved around the courtroom motif — a courtroom set was actually constructed for the event — and the evening had a "Saturday Night Live" feel to it: organizers dispensed with MCs in favour of a series of uninterrupted skits and musical performances. The Cool Monsoons provided the connecting link between skits, and were excellent as usual.

There were a number of repeat perform-

ances. For those who missed the first two runs, Trial By Jury, directed by Shira Lester, returned, with Professor Scott gettin' the girl once again. Ken Fernandez was back with impersonations of Bourassa, Bush, Arafat, Joe Clark, not to mention a number of law profs, who may be trying to correct those annoying hand-gestures after this one.

Though it is not possible to mention all those who contributed, a few performances deserve honourable mentions. Brian Gelfand's lounge lizard was - perhaps - TOO good. Jim Hughes did what many of us have wanted to do: asked Vaillancourt how many bullets he thinks are in a six-shooter. The sketch on the History of the Common law "in three minutes" should be recommended read-

ing.

For next year, a number of suggestions have been made by spectators. It was difficult to hear the actors on stage, especially towards the back, and it may be necessary to sacrifice some movement to make sure actors speak into the damned mikes. The hall remained dark during seating as well as during intermission, which made for some interesting, though unwelcome encounters.

Some thought the intermission was too short, though a longer intermission would have put the show past midnight. There was also not as much variety in the sketches this year, which should change so long as Skit Nite remains informal and the one place in law where you can screw up without worrying about it.

### A Loving Critic Cont'd from p.1

signed to confuse the informed and elate the ignorant. The distinguished lecturer rightly pointed out that the international law of human rights is an important component of international law. In that context, I wish to submit a brief comment on his reference to China, being Chinese, as well as a former international civil servant at the United Nations.

In my respectful opinion, those positive references made in the lecture by the Honourable Professor of Law of Beijing University, which was the birthplace of the 1989 pro-democracy movement in China, were unpleasant, if not repulsive, to anyone who still remembers the tragic events in China in 1989. This was a page stained with shame and blood in the history of human rights both for China and the world. Moreover, the failure on the part of the United Nations to condemn those human rights violations points to the serious limitations inherent in the world organization. Indeed, of all the U.N. achievements, perhaps the most frustrating record is with human rights.

There are basically two reasons for this poor record. The first is a legal one. Any actions proposed by the United Nations

concerning human rights violations in member states are fatally paralysed by Article 2(7) of the United Nations Charter, which protects domestic jurisdiction of member states. Any condemnation of human rights violations of a member state can be dismissed by that state invoking that clause.

The second reason is political. The working of the United Nations has been and still is, though now to a lesser degree, governed by big-power politics. The U.N. Human Rights Commission, the sole U.N. organ charged with that mandate, works under the Economic and Social Council, which, together with the Security Council and International Court of Justice, among others, forms six functional organs of the United Nations. Without the support, consent or at least acquiescence of all of the «Big Five» of the all-mighty Security Council, the United Nations could do little to stop human rights violations in a particular country. Thus, a resolution condemning Israeli violation of human rights in occupied territories would be doomed to failure, because it could not get U.S. support. In the early 1980s, draft resolutions condemning the Polish government for suppressing the Solidarity movement aborted because Brezhnev did not like them. Most recently, no resolution was

passed by the United Nations concerning the massive human rights violations in China since June 1989, because that government summoned enough votes to block the action. The only justice done was a testimony by an escaped Chinese student leader before a sub-committee of the Human Rights Commission in August 1989.

Big-power politics also extends to delicate interplay among different interest groups. If China abstained from voting for a resolution condemning the Polish government, for instance, there would be no reason why the Polish delegate should cast a vote against his Chinese counterpart. Economic aid to some developing countries would also influence which button those delegates are to press in voting for the donor countries. Furthermore, countries with poor human rights records have to remember that they are living in a glasshouse. Consequently, a perusal of the U.N. resolutions on human rights reveals a black-list of countries where the big-power interests would not be affected, typically those Southeast Asian countries and Latin-American countries ruled by military juntas.

This view, though seemingly cynical, is a fact of life in the United Nations. To what  
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# The Brian Report:

## The 1991 LSA/AED Elections

by Brian Fell  
The Chief Returning Officer

### ELECTION RESULTS (percentage of voters):

LSA PRESIDENT: DAVID, Gregory (45%)

VP ADMINISTRATION: MAHEU, Catherine (58%)

VP AFFAIRES EXTERIEURS: MATHIEU, Helene (26%)

VP FINANCE: GARNER, Graham (29%)

SOCIAL COORDINATOR: MALKA, Veronique (49%)

SPORTS COORDINATOR: BURNHAM, Jonathan (45%)

FACULTY COUNCIL: (multiple ballot total exceeds 100%)

- THERIAULT, Renee (41%)
- HOBDAI, Tina (41%)
- FABES, Robert (45%)
- COONEY, Warren P. (43%)

VP COMMON LAW: JOSEPH, Leora (48%)

VP CIVIL LAW: GOLDIN, Nathalie (64%)

### CLASS PRESIDENTS:

NATIONAL IV: ARPIN, Sophie (87%)

LLB III: MOURILLON, Edsel (50%)

BCL III: RICHMOND, Estelle (45%)

LLB II: WILSON, Sarah (60%)

BCL II: MOREL, Benoit (63%)

Le choix REOPEN NOMINATIONS n'a pas trop confondu les électeurs. Son utilisation a varié entre 0% (pour quelques présidents de classe) et 10% pour le poste de président de l'AED. Je crois que ce choix rend les élections plus démocratiques et j'espère que cette option continuera d'être disponible à l'avenir.

PARTICIPATION GLOBALE: 71%

### PAR CLASSE:

LLB I: 90% II: 72% III: 58% (BCL) IV: 50%

BCL I: 88% II: 76% III: 72% (LLB) IV: 46%

### BUILDING REPAIRS:

After years of frustration, Toby finally achieved political success with 24% of voters. The Emir of Kuwait, in his first ever appearance in LSA elections, polled 22% of voters proving that there's no such thing as bad publicity, there's only publicity... period. Poor Harold took the brunt of the Emir's rise to fame and was left with 31%. In the OTHER category, highest spot went to Brian Fell with 5 votes, followed by Dean Morrisette with 4, and Saddam Hussein with 3 (they do all seem to be of the same genre). There were many other OTHERS polling 1 vote each. Just a few were Elvis P., Ghandi, Bram Freedman, Greg and Jordan's egos, B. Mulrony (sic), Stormin' Norman, Bill Vander Zalm, King Fahd, Huey Lewis and the News, Scooby Doo, Jean Chrétien, New Kids on the Block, Bechtel Corp, and Snoopy.

Mais sérieusement, je remercie tous les candidats et scrutateurs etc. pour avoir aidé au bon déroulement des élections. Vous avez rendu mon travail beaucoup plus facile et, en même temps, plus intéressant. Les commentaires à propos de la gérance de l'élection seront accueillis avec intérêt et présentés au prochain PDE. Je n'occuperai plus le poste de président des élections l'année prochaine et j'invite ceux qui veulent améliorer le processus à poser leurs candidatures.

And you whose family names are near the

end of the alphabet, how did you like being at the top of the list?

[NDLR: Il importe également de mentionner qu'André Beaulieu (BCL III) a été élu au poste de Sénateur pour la Faculté de Droit, et que Danièle MacKinnon (BCL I) a été élue membre du Comité de direction de QPIRG. Félicitations à tous!!! Par ailleurs, pour tous ceux intéressés, les résultats détaillés de l'élection sont affichés à l'entrée du local de l'AED.]

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### More Announcements Cont'd from p.3

views will take place within a week of this date. If you have any questions concerning these two positions, please contact Lisa Yarmoshuk or Julia Hangersberg at 398-7397.

**DELTA THETA PHI** - On Wednesday, March 13th, Delta Theta Phi hosted a celebrity version of Win, Lose or Draw featuring a number of Montréal radio and television personalities. Denis Trudeau, Lou Henessian, Peppermint Patty from CHOM-FM and Aaron Rand all graciously accepted to take some time out from their busy schedules in order to participate. The proceeds (meager as they were), were donated to the Skit Nite Foundation. In essence, all the necessary elements for a successful event were assembled: a worthy cause, local celebrities, an amusing game and a convenient time slot. All of this was made possible through the hard work and dedication of three members of Delta Theta Phi: Daniel Copnick, Dino Mazzone and Kenny Nathans. Unfortunately for them, and ultimately for the Old Brewery Mission and Chez Doris, the beneficiaries of all Skit Nite proceeds, only a small handful of students bothered to show up. In fact, if it had not been for several members of the general public, moot court would have been practically empty! Yet another illustration of the generalized sentiment of apathy that characterizes this Faculty!

On behalf of the executive council of Delta Theta Phi, I would like to thank those few students who cared enough to show up and those who took the time to drop off their donations at the door. With your help, we were able to scrape together \$250 for a very worthy cause. Perhaps we'll have better luck next year...



## A Final Word

by Joshua A. Fireman, BCL I

I have to admit, I felt overcome by a rather perverse form of pleasure when I saw the dramatic response that my last article to the Quid had drawn from Kevin MacNeill. Indeed, the hairs on the back of my neck stood at full salute when I realized that I had been challenged to take up my pen and continue my intellectual fencing competition with my esteemed colleague.

However, as much as I may relish the opportunity to write yet another commentary on the Gulf War, my fear is that such an article would increase the boredom level within this faculty to dangerous levels. I do not wish to be held responsible by the Sûreté du Québec for any possible violent reactions against this tedium. The last thing I want is for a member of the S.Q. sitting on my front lawn on top of an Abrahms tank demanding my surrender - especially not just before final exams.

And so, I would simply like to take this opportunity to thank Mr. MacNeill for having provided me with some interesting times over the last few weeks - *Hey, Kev, do you think that we could be pen-pals over the summer?* Also, I would like to warn all of you out there that this is not the last you will see of me in these pages. I've enjoyed this experience so much that I am going to continue to try to tackle the great issues of our time. Amongst these (this is a teaser, in case you hadn't noticed) are topics like Life After the Partition of Québec and Police League Stickball in the Streets of L.A. If the reception is good, I may even tell you How They Get The Caramel In The Caramilk Bar!



## I Get a Kick Out of Frank!

by Dino Mazzone jr., BCL III

For those of you who have not found out by now, I am an enormous Frank Sinatra fan. There is not one day that goes by without me playing one of Frank's songs on my CD player or turntable. I'm a Frank-a-holic.

Well, imagine my immense pleasure when my dad gave me Frank Sinatra: The Reprise Collection as a birthday gift earlier this month. The Reprise Collection contains 81 classic Sinatra songs on four compact discs. This collector's item also includes a color booklet filled with photos, liner notes and song annotations. Having listened to a fair number of the songs herein mentioned, I remain in awe. No serious Sinatra fan can do without this collection.

In this record set, you'll find (to name a few) the following tunes: Me and my Shadow - this is a duet with the late performer extraordinaire Sammy Davis jr. You'd think these two pals would have recorded a few tracks together in their time, but sadly enough this song is their only recorded duet ever. Nevertheless, the song remains a fitting tribute to probably the most intense and sincere showbiz friendship that ever existed; There Used to be a Ballpark - I don't care if you've read every Bill James Baseball Abstract ever published...you are not a real ball fan until you've heard this beautiful song at least once in your life; Zing! Went the Strings of my Heart - forget coffee, exercise and cold water... if you need to be revitalized, blast this song to 10 and knock yourself out; Something Stupid - this song is undeniable proof that Sinatra could sing a telephone book and still make it go to number one; You Make me Feel so Young - my litmus test as to

Cont'd on p.9

### A Loving Critic Cont'd from p.5

extent it will change in the wake of political realignment in Eastern Europe has yet to be seen, but things in China are not likely to change, at least not in the near future. Commenting on China's new interest in international law, Professor Macdonald said that China could play a leading role, especially in Asia, in promoting the Decade of International Law. This statement makes a mockery of fundamental concepts of justice. Nothing could be more sarcastic. How much credibility is left to a government that has massacred its own citizens with tanks and machine guns, simply because they demanded democracy and the rule of law? How can one expect such a government to promote international justice? One might just as well appoint Pol Pot to head the International Court of Justice. The pungency is more evident in the comparison of some dates referred to by the Professor with regard to the birth of the Decade of International Law: when the delegates of the non-aligned countries were drafting the Hague Declaration in June 1989, the Chinese government was committing the most flagrant violation of fundamental human rights; when the United Nations General Assembly adopted the resolution on the Decade in November 1989, that government was arresting, imprisoning and executing thousands of pro-democracy activists.

A U.N. delegate once said that an organization languishes when its critics are unloving and its lovers uncritical. Needless to say, I consider myself to be a loving critic, both to China and to the United Nations. I would like to see China play an active role in international law, but that would not be possible unless it is a free, democratic China ruled by law. I would like to see the U.N. play a more effective role in international law, but that cannot be achieved unless it breaks from its limitations. Any idealistic illusions and unfounded optimism in that regard, no matter how well-intentioned, would only delay that process.



## Competitive Mooting Cont'd from p.4

age others to Moot and attend next year's competition, which will be held in sunny Saskatoon.

### 3. Le tribunal-école Charles Rousseau

Le 15 mars 1991, l'équipe du Rousseau de McGill a remporté l'étape nationale de ce concours en droit international public, qui se déroule uniquement en français. L'équipe, composée de Caspar Landolt (BCL III), Bruce Johnston (BCL III), Sophie Perreault (BCL II) et Hélène Gagnon (BCL II), participera maintenant à l'étape internationale et affrontera des équipes provenant de la France, de la Belgique, de la Suisse et du Sénégal. Lors de l'étape nationale du 15 mars 1991, les trois prix des «meilleurs plaideurs» ont également été attribués à des McGilllois: 1er prix: Hélène Gagnon; 2e prix: Bruce Johnston; 3e prix: Sophie Perreault. Le tournoi international aura lieu du 13 au 17 mai 1991 à l'université Laval à Québec. Tout indique que l'an prochain, cette étape se tiendra à l'Université de Paris II... Le problème de cette année concernait la compétence de la Cour Internationale de Justice, la souveraineté des États, l'extradition, les droits linguistiques et culturels des minorités en droit international et les crimes internationaux (crimes contre l'humanité, génocide et crimes de guerre).

### 4. 1991 Canadian Corporate-Securities Moot Competition

On March 8th and 9th, at the Federal Court in Toronto, over two months of intense research, drafting and practice pleading sessions reached a climax at the 1991 Canadian Corporate-Securities Moot Court Competition. The team, composed of Randal Barker (LLB II), Philip Lieberman (LLB III), Todd Wetmore (LLB II) and David Steinberg (LLB III), and under the superb coaching of Professor Richard Janda, brought home to the Faculty two prizes in the first year of this new mooting competition:

1st prize for best factums and 2nd prize overall for best oral arguments.

The team unanimously agreed that participating in the moot was one of the greatest highlights of our law school days. While it called for a high percentage of time over a two month period, it was a rewarding experience that we recommend to all who are interested in research, the perfection of arguments and oral pleadings, as well as chicken wings at the Hard Rock Café every Tuesday evening.

We would like to extend our deep appreciation to Robert Fabes, without whom McGill's participation in this moot would not have been possible. He gave much of his time and energy to find the financial and administrative support required in order for the Faculty to participate in this moot.

Finally, we would like to thank all who helped in editing drafts, practice sessions, financial contribution, and who displayed patience and cooperation during this endeavour: Dean Morrisette, Profs. Harvison-Young, Macdonald, Janda, Stevens and Yalden; the Library staff; Susan Abramovitch; Brett Code; Coopers & Lybrand; S.S.M.U.; and the law firms of Byers, Casgrain; Mackenzie, Gervais (Peter Casey & Georges Thibodeau); Martineau, Walker (Marie Giguère); Ogilvy Renault (Margriet Zwarts & Lucie Roy); Phillips & Vineberg; and Stikeman, Elliott (Marc Barbeau & Christiane Desaulniers).

### 5. Le tribunal-école Pierre-Basile Mignault

Mme Bédard lisait les nouvelles pour le réseau Télé-Chicoutimi lorsqu'elle se vit offrir un prestigieux poste de lectrice de nouvelles par l'important réseau de télévision Télé-Québec. Elle accepta. Ses malheurs commencèrent alors, puisque peu de temps après, Télé-Québec renia le contrat et offrit plutôt le poste de Mme Bédard à une «star» de l'information, Mme Renaud, qui avait

proposé ses services dans les jours suivant la signature du premier contrat. Mme Bédard peut-elle obtenir l'exécution en nature de l'engagement original aux dépens de Mme Renaud?

Voilà la question, et voilà en quelques mots la problématique qui a occupé les participants au concours de plaidoirie Pierre-Basile Mignault 1991. Et elle les a bien occupés! Café à la main, cernés à faire peur, voilà comment on pouvait reconnaître un membre de l'équipe de McGill au mois de janvier! Cependant, malgré le soutien avoué de Bernard Derome à notre cause, nous avons dû baisser pavillon. L'équipe de l'Université de Montréal a ainsi remporté la compétition qui se tenait cette année dans nos propres murs (soupirs...). McGill a terminé au 3e rang.

Les membres de la «version 1991» étaient Hélène Leblanc, Codin Olteanu, Frédéric Beauvais et Éric Buzzetti. Hélène a par ailleurs terminé au troisième rang ex-aequo pour le prix des meilleurs plaideurs. On ne saurait également passer sous silence le travail du professeur Pierre Legrand qui était responsable de l'équipe, ainsi que la collaboration très appréciée du professeur Rosalie Jukier. Chapeau bas!

Nous encourageons fortement les personnes intéressées à participer au concours l'an prochain, il s'agit d'une expérience exigeante, mais formidable! N'hésitez pas à nous en parler pour plus de détails!

#### QUOTE OF THE WEEK:

Prof. Sklar in Common Law Evidence:

"...when you come to class not having read the cases, I feel as though you're getting your info for free... Gosh! I feel, I feel... Exploited!"

(and again later, while discussing the Best Evidence Rule):

"After the wheel, the photocopy machine is probably the best invention of Man!"



# The McGill Law Journal/La Revue de droit de McGill:

## What Foundations Never Taught You

by Hanson R. Hosein,  
McGill Law Journal

Dry, quasi-intellectuals, mired in the drudgery of endless footnote searches, with eyes glazed from proofreading the latest opinions, theories and descriptions on the state of the law. Although this stereotype is not wholly untrue, members of the McGill Law Journal prefer to think that there are more noble elements that have succeeded in seducing them to their present calling. Having worked for «the Journal» this year, I can attest to the existence of such higher forces.

La Revue de droit de McGill est une des revues les mieux cotées au Canada. Elle maintient une réputation d'excellence, d'ouverture et d'originalité. Cela peut paraître surprenant, étant donné que contrairement à plusieurs autres revues, notre équipe est composée uniquement d'étudiants et est indépendante de la faculté. Néanmoins, nous réussissons chaque année à publier quatre numéros qui traitent de l'environnement, de réforme constitutionnelle, des autochtones, du droit des compagnies, de théorie juridique, de droit international, etc..., tout en maintenant ce qui est un peu notre marque de commerce: le caractère bi-juridique et bilingue de la Revue.

As members of the Journal, we engage in a multitude of duties during our two year commitment. Articles must be solicited, evaluated and edited. Sources have to be checked, authors must be contacted and diplomatically convinced to make changes to their masterpieces. The Journal must also be managed, and thus important tasks such as balancing the books, applying for grants, canvassing for advertisements and keeping the computers humming, are undertaken. All of this within stringent deadlines while balanc-

ing course work, quests for intermural mugs, and the Rialto and Paris film schedules. As you can see, involvement in the Journal can be very demanding. However, there are corresponding rewards.

In working for the McGill Law Journal there is the opportunity to discover aspects of the law that would otherwise never be encountered in the classroom. You have the chance to acquire a greater understanding of the discipline that you may have unwittingly decided to devote your life to, in a manner that Foundations could never have provided. The greatest satisfaction though, is being part of a group of very capable students who work together to produce something, which issue after issue, helps practitioners, judges and academics alike, grapple with current problems in the law.

La Revue, comme le droit, évolue constamment. Cet été paraîtra un numéro spécial consacré exclusivement à l'environnement. Nous commençons en ce moment à solliciter des articles pour un numéro spécial qui traitera de la résolution des disputes internationales, et qui sera rendu disponible l'année prochaine. De plus, cette année, nous avons emménagé dans de nouveaux locaux et nous avons acheté une banque de données pour nos ordinateurs. Au plan administratif, le changement le plus notable a été l'amendement de notre constitution afin de formaliser l'exigence qu'il y ait au moins un(e) rédacteur/rédactrice capable de rédiger et de corriger des textes français dans l'exécutif. Ce changement nous paraissait nécessaire pour l'amélioration du contenu français de la Revue, et pour la préservation de son caractère bilingue. L'année prochaine, nous aurons deux membres de l'exécutif francophones

dont l'un sera notre rédacteur-en-chef.

Alors, vous êtes intéressé(e) à travailler à la Revue? Nous sommes à la recherche d'étudiant(e)s qui terminent leur première ou leur deuxième année et qui savent bien écrire le français et/ou l'anglais. De plus, les candidats doivent être prêts à démontrer un dévouement proportionnel à l'objectif visé: produire la meilleure publication possible.

If you think that you are such a person, or if you have any other questions about the McGill Law Journal, speak to any member of the Journal, or drop by our office at 3661 Peel. Interested applicants may also wish to experience Journal work first-hand by evaluating an article this summer. The selection of editors for Volume 38 will take place in September. This will include interviews, a short statement, and an evaluation of an article. Additionally, our upcoming beer and chips event in the Common Room, Wednesday, March 27th, from 11:00 to 1:00 p.m., will provide an opportunity to make further inquiries.

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**FRANK...**

**Cont'd from p.7**

when you know you are really in love. If you don't pass this test, stop kidding yourself.

I could go on and on but I think you get the message. If there is anyone out there who thinks Sinatra is definitely where it's at, contact me. I'd like to see if there are any Sinatra records I could get my hands on. For those of you who wish to get this collection or want further information on Frank's Reprise recordings, you can write to: Reprise Records, P.O. Box 6868 FSV, Burbank CA, 91510, as I am not certain this anthology is yet available in Canadian record outlets.



# SKIT NITE

## Skit Nite: A Thank You by James O'Brien, LLB III

This is an open letter to those who worked tirelessly on this year's Skit Nite and especially to those who had no official job title and slaved nonetheless. Although many hours of work went on prior to opening night, the crucible for this production took place in the five days before skit nite. From the building of the set, the painting of it, the rehearsing of the music and sketches and in some cases the writing of the sketches, all this would aptly be described as mounting an invasion. Now that the eye of that storm has passed I wish to thank most sincerely and most generously those who helped see the twisted vision through.

To Vincent Lesage and Georges Dubé, who worked without instruction, and brought the high degree of professionalism to the entire organization. To Vince for your trust and vision and to Georges for your genius at organization, I thank you.

To Janet Bolton, who learned to stage manage a show with a system as complex as the rules of perpetuities in virtually an afternoon, I thank you.

To David Kalmakoff, who walked in on a Monday morning to say «hi» and didn't leave till Thursday

morning, I thank you.

To Carmen Fernandez, who stood by and painted and built the set with what amounted to a leap of faith (my instructions were less than clear), I thank you.

To Darren McGuire and his crew, Tamara, Rob, Franco and Carme (again) who, through all the difficulties, were responsible for salvaging a show in the throes of microphone anarchy.

To Steven Lloyd, who took a crash course in sketch writing and acting and performed both with grace.

To Michael Bush, another who showed up at the Union to say hello and stayed, building and securing the set to the stage, I thank you.

To Alexandra Gillespie, who turned her car into a rocket launcher to carry materials for the show.

To Véronique Malka, for chasing down unheard of props and costumes, I thank you.

To Nathan Schipper, for his talent at standing behind the right truck when the things we needed fell off.

To Warren Cooney, who painted and built and took all the silent roles, I thank you.

To Julie Godin, for her photos and for her beer crew and for all her work.

To Stacy Zosky, for her performance of course.

To Pat Callaghan and Arnold Bornstein, for «blue-skying» and letting things fall to the editing room floor.

To Tasha Kheiriddin, for her T-shirt design.

To the Fundraising Committee, Natali, Suzy and Rhonda, who sold a show before we had one, I thank you.

To all those who performed, who made time, who put up with rehearsals, who believed, sometimes in spite of their better judgment, I thank you.

To the Skit Nite Committee, Seth, Kurt, Gordo and Viresh, I sincerely thank you for being everything an executive would or could be. And especially to Seth for his musical genius and Kurt for being the best worrier a production could ever have.

And to all named and unnamed for everything - the success is yours and yours alone. Thank you.

## FOOLS IN LAW: SKIT NITE 1991 by Seth Dalfen, Nat'l. IV

Fools in Law - Skit nite 1991 - has finally come to a close. Now that the props and sets have been dismantled and put away for safekeeping, it's time to explain just what Skit Nite is all about. While the majority of students' sole perception of Skit Nite is the actual show itself, the true phenomenon of Skit Nite is much greater than the «tip of the iceberg.»

Skit Nite is one of the few events organized by law students that truly reaches out to the community at large. All it took was a couple of visits by this year's committee members to the two recipients of Skit Nite's proceeds - The Old Brewery Mission and Chez Doris - for us to realize how important our work really was. Suzie Costom, Nathalie Goldin and Rhonda Yarin set out soliciting over 300 law firms and businesses across the continent as early as October. By December, Computer Genius Nathan Schipper had helped organize the letters and mailing strategies. Over the next three months, the fundraising Committee made hundreds of phone calls to nudge recession-wary firms into making pledges to Skit Nite. When all was said and done, this team had raised an unbelievable \$11,000 for the homeless, all administered by our accounting whiz Viresh Fernando.

Of course, the other side of Skit Nite is the show itself. In September Jim O'Brien volunteered to take over the artistic direction of what would become Fools in Law. With the help of a dedicated «Think Tank» - writers and brainstormers like Pat Callaghan, Gordo Levine, Stacy Zoskey, Dave Kallmakoff, Vincent Lesage, Andrew Deere, Arnold Bornstein and Georges Dubé - Fools in Law was a unique variety show that flowed in a definite direction.

All of us involved in the final production of Skit Nite were part of a very special, cohesive team. Led by Jim and his incredibly organized and dedicated Chief Assistant Georges Dubé, the skits finally materialized. Just as importantly, the impressive sets and props that helped make this year's show stand out were being created by as hard working a bunch of volunteers as any production company has ever seen. Carpenters Vincent Lesage, Carmen Fernandez, Alexandra Gillespie, Karen Fullerton, Brett Code, Michael Bush, and Steven Lloyd did an amazing job within a very constrained time period. Lest we forget to mention the true King of production: law school's most committed and reliable man: Kurt Johnson.

Finally, what would Skit Nite be if nobody came?

Just as crucial to the evening were our hard-working «marketers» - T-shirt salespersons Lisa Shamie, Leora Joseph and Catherine Mahew; ticket sales coordinators Nathan and Gordo Levine; postermaker-extraordinaire Julie Godin, and everyone who sold tickets to an unsuspecting Law Faculty!

Our T-shirt logo was designed by Tasha Kheiriddin, costumes were organized by Veronica Malka, and program book was designed by Michael Kleinman. Working quietly but efficiently behind the scenes, stage manager Janet Bolton saw to it that the lights went up on the correct side of the stage, that actors were ready to perform, and that the band was ready to «fill in» dead time. Our dedicated crew of Darren McGuire, Rob Michelin, Franco Tamburro, Tamara Gitto and Dave Kalmakoff ensured that props and microphones be adjusted and moved as quickly as humanly possible.

Kudos to all the brilliant actors and performers who entertained us. The true heroes of Skit Nite, however, are all of the students who worked tirelessly behind the scenes - without any desire for personal glory. But what could be more fulfilling than to contribute to the success of an event benefiting those truly in need? To the entire cast and crew of Fools in Law: be proud of a job well done.